

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH MALEK and
CAROL MALEK,

Case No. 07-14042

Plaintiffs,

Hon. Victoria A. Roberts

v.

FIRST GUARANTEE MORTGAGE, L.L.C.,
a Foreign Corporation and STEVEN HARE,
an Individual,

Defendants.

_____ /

ORDER

This matter is before the Court on Plaintiffs' Motion to Add Christopher Lang as Party Defendant. For the reasons stated below, the Court **GRANTS** Plaintiffs' Motion over the objection of Defense counsel.

Plaintiffs' Motion is brought under Federal Rule of Civil Procedure 19 and 21. Pursuant to FRCP 21, parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.

Furthermore, FRCP 19 provides that:

A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action *shall* be joined as a party in the action if (1) in the person's absence complete relief cannot be accorded among those already parties, or (2) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person's absence may (i) as a practical matter impair or impede the person's ability to protect that interest or (ii) leave any of the persons already parties subject to a

substantial risk of incurring double, multiple or otherwise inconsistent obligations by reason of the claimed interest. If the person has not been so joined, the court shall order that the person be made a party. . . . (emphasis added)

Plaintiffs ask the Court to add Christopher Lang, the sole owner and shareholder of Defendant First Guarantee Mortgage, L.L.C., as a party defendant. Plaintiffs say Mr. Lang was involved in the transaction that caused the harm complained of and is personally responsible for the acts which resulted in their losses. Mr. Lang refused to voluntarily submit to a creditor's examination.

The Court finds that Christopher Lang is a necessary party to the prompt and efficient adjudication of this matter. Therefore, Plaintiffs' Motion is **GRANTED**.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 22, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 22, 2008.

s/Linda Vertriest
Deputy Clerk